BEFORE THE DIVISION OF MEDICAL QUALITY MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation)	Case No. 16-2005-168213
Against:)	
DAVID CLINTON BLOCKER, M.D.)	
)	
)	
Physician's and Surgeon's)	
Certificate #G 47830)	
)	
Respondent.)	
)	

DECISION AND ORDER

The attached Stipulation for Surrender of License is hereby accepted and adopted as the Decision and Order by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 11, 2007.

IT IS SO ORDERED June 4, 2007

MEDICAL BOARD OF CALIFORNIA

Cesar A. Aristeiguieta, M.D., F.A.C.E.P.

Chair, Panel A

Division of Medical Quality

1 2 3 4 5 6 7 8	EDMUND G. BROWN JR., Attorney General of the State of California JOSE R. GUERRERO Supervising Deputy Attorney General SUSAN K. MEADOWS Deputy Attorney General [SBN 115092] 455 Golden Gate Avenue, Suite 11000 San Francisco, California 94102 Telephone: (415) 703-5552 Facsimile: (415) 703-5480 Attorneys for Complainant BEFORE THE DIVISION OF MEDICAL QUALITY MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS	
10	STATE OF CALIFORNIA	
11	In the Matter of the Accusation Against:	
12	DAVID CLINTON BLOCKER, M.D. 808 East Franklin Street Case No. 16-2005-168213	
13	Gates Kitze & Gapinski, Inc.	
14	Centerville, OH 45459) STIPULATION FOR SURRENDER) OF LICENSE	
15	Physician and Surgeon's) Certificate No. G 47830	
16	Certificate No. G 4/830	
17	Respondent.	
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21	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the	
22	above-entitled proceedings, the following:	
23	1. Complainant, David T. Thornton, is the Executive Director of the Medical Board of	
24	California, Department of Consumer Affairs ("Board") and is represented by Edmund G. Brown	
25	Jr., Attorney General of the State of California and by Susan K. Meadows, Deputy Attorney	
26	General.	
27	2. David Clinton Blocker, M.D. ("respondent") is represented by Lawrence S. Giardina,	

Attorney at Law, Schuering Zimmerman Scully Tweedy & Doyle, LLP, 400 University Ave., Sacramento, CA 95825-6502. Respondent has been advised by his attorney, and is fully aware of the effect of this Stipulation for Surrender of License ("Stipulation") which respondent and his counsel have carefully read and fully understand.

- 3. Respondent has received and read the Accusation (hereinafter "Accusation") which is presently on file and pending in Case Number16-2005-168213 before the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"), a copy of which is attached as Exhibit A and incorporated herein by reference.
- 4. Respondent has carefully read, been fully advised by his counsel, and understands the charges and allegations in the Accusation and the effects of this Stipulation.
- 5. Respondent is aware of his rights, including the right to a hearing on the charges and allegations, the right to confront and cross-examine witnesses who would testify against respondent, the right to testify and present evidence on his own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, the right to contest the charges and allegations, and other rights which are accorded respondent pursuant to the California Administrative Procedure Act (Gov. Code, § 11500 et seq.) and other applicable laws, including the right to seek reconsideration, review by the superior court, and appellate review.
- 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth in paragraph 5 above.
- 7. Respondent lives and practices medicine in the State of Ohio, and has no present intention of returning to California to practice medicine. Respondent has not practiced medicine in California for over ten years. He wishes to surrender his California license at this time to avoid the costs of an administrative hearing in view of his intention to not return to California to practice medicine. Respondent agrees that based on the action taken by the Department of the Air Force as alleged in the accusation, cause exists to discipline his California physician's and surgeon's certificate pursuant to Business and Professions Code sections 141 and 2305.

- 8. The admissions made by respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Division of Medical Quality, Medical Board of California, or any other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.
- 9. This Stipulation shall be subject to the approval of the Division. Respondent understands and agrees that the Medical Board's staff and counsel for complainant may communicate directly with the Division regarding this stipulation and settlement, without notice to or participation by respondent or respondent's counsel. By signing this stipulation, respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Division considers and acts upon it. In the event that this stipulation is rejected for any reason by the Board, it will be of no force or effect for either party. The Board will not be disqualified from further action in this matter by virtue of its consideration of this stipulation.
- 10. Upon acceptance of this stipulation by the Board, respondent understands that he will no longer be permitted to practice as a physician and surgeon in California, and also agrees to surrender and cause to be delivered to the Board any license and wallet certificate in his possession before the effective date of the decision.
- 11. Respondent fully understands and agrees that if he ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement, and respondent must comply with all laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed.
- 12. Respondent understands that he may not petition for reinstatement as a physician and surgeon for a period of three (3) years from the effective date of his surrender. Information gathered in connection with Accusation number 16-2005-168213 may be considered by the Division of Medical Quality in determining whether or not to grant the petition for reinstatement. For the purposes of the reinstatement hearing, the allegations contained in Accusation number 16-2005-168213 shall be deemed to be admitted by respondent, and respondent waives any and

APR/27/2007/FRI 12:12 PM ATTORNEY GENERAL

Apr 27 2007 11:12 FAX No. 4157035616

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1	all defenses based on a clarm of laches or the statute of limitations.
2	13. The parties agree that facsimile copies of this Stipulation, including facsimile
3	signatures on it, shall have the same force and effect as the original Stipulation signatures.
4	ACCEPTANCE
5	I, David Clinton Blocker, M.D., have carefully read the above stipulation. I enter into it
6	freely and voluntarily and with full knowledge of its force and effect, and with advice of counsel
7	I do hereby surrender my Physician and Surgeon's Certificate Number G47830 to the Division
8	of Medical Quality, Medical Board of California, for its formal acceptance. By signing this
9	stipulation to surrender my license, I recognize that upon its formal acceptance by the Board, I
10	will lose all rights and privileges to practice as a physician and surgeon in the State of California
11	and I also will cause to be delivered to the Board any license and wallet certificate in my
12	possession before the effective date of the decision.
13	DATED: 4/29/07
14	Don (Buke Mr.
15	DAVID CLINTON BLOCKER, M.D.
16	Respondent
17	I have fully discussed with respondent the terms and conditions and other matters
18	contained in the above Stipulated Surrender of License and approve its form and content.
19	DATED: 5/1/07
20	Janes. 15 Man
21	MAN (CHI)
22	SCHURENCE S. GIARDINA SCHLIZ TWEEDY
23	& DOYLE LLP
24	// Attorneys for Kespondent
25	H
26	//
27	H

I CONCUR IN THE STIPULATION. EDMUND G. BROWN JR., Attorney General of the State of California DATED: SUSAN K. MEADOWS Deputy Attorney General Attorneys for Complainant Medical Board of California Exhibit A: Accusation

EXHIBIT A

1.	EDMUND G. BROWN JR., Attorney General of the State of California FILED STATE OF CALIFORNIA		
2	JOSE R. GUERRERO Supervising Deputy Attorney General MEDICAL BOARD OF CALIFORNIA		
3	SUSAN K. MEADOWS SAURAMENTO January 26, 20 07		
4	Deputy Attorney General [SBN 115092] 455 Golden Gate Avenue, Suite 11000 San Francisco, California 94102 BY Ulliu MOne ANALYST		
5	Telephone: (415) 703-5552 Facsimile: (415) 703-5480		
6	Attorneys for Complainant		
7	DEPODE THE		
8	BEFORE THE DIVISION OF MEDICAL QUALITY MEDICAL BOARD OF CALIFORNIA		
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against:		
12	DAVID CLINTON BLOCKER, M.D. Case No. 16-2005-168213		
13	808 East Franklin Street) Gates Kitze & Gapinski, Inc.) Centerville, OH 45459) A C C U S A T I O N		
14	Centervine, Oil 45459		
15	Physician and Surgeon's) Certificate No. G 47830)		
16	Certificate No. G 47830		
17	Respondent.)		
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20	The Complainant alleges:		
21	PARTIES		
22	1. Complainant David T. Thornton is the Executive Director of the Medical		
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25	capacity.		
26	2. On or about July 1, 1982, Physician and Surgeon's Certificate No.		
27	G 47830 was issued by the Board to David Clinton Blocker, M.D. (hereinafter "respondent").		

Respondent's certificate is renewed and current with an expiration date of July 31, 2007.

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JURISDICTION

- 3. This accusation is brought before the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"), under the authority of the following sections of the California Business and Professions Code (hereinafter "Code") and/or other relevant statutory enactment:
 - A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period of not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring if probation is imposed.
 - B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.
 - C. Section 141 of the Code provides:
 - "(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein.
 - "(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

1 is guilty of unprofessional conduct within the meaning of section 2305 as more particularly set 2 3

forth herein below.

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(Discipline, Restriction, or Limitation Imposed by Agency of Federal Government -- U.S. Air Force)

FIRST CAUSE FOR DISCIPLINE

Respondent is subject to discipline within the meaning of section 141 and

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tomograms.

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On or about September 30, 2004, the Department of the Air Force ("Air 5. Force") issued a Notice of Abeyance of Clinical Privileges holding in abeyance respondent's clinical privileges for interpretation of sonograms and computed tomograms. This action was taken in response to alleged numerous diagnostic discrepancies identified by consulting physicians. The alleged problems compromised, or could have potentially compromised, the health and safety of patients. On or about November 18, 2004, the Air Force issued a Notice of Proposed Restriction of Clinical Privileges/Practice after a determination was made that respondent made an incorrect diagnosis, and/or correct findings but with inappropriate recommendations causing further unnecessary medical evaluations, in a number of cases. On or about December 2, 2004, the Air Force issued a Notice of Suspension of Clinical Privileges suspending respondent's clinical privileges to interpret diagnostic ultrasounds and computed tomography. On or about December 23, 2004, a Final Decision in the Adverse Action Proceeding was issued by the Air Force restricting respondent's clinical privileges/practice as follows: all clinical privileges for interpretation of diagnostic ultrasounds and computed

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Attached hereto, collectively, as Exhibit A, and incorporated by reference herein, are true and correct copies of the Notice of Abeyance of Clinical Privileges dated September 30, 2004, Notice of Proposed Restriction of Clinical Privileges/Practice dated November 18, 2004, Notice of Suspension of Clinical Privileges dated December 2, 2004, and Final Decision in the Adverse Action Proceeding dated December 23, 2004.

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Respondent's conduct and the action of the U.S. Department of the Air 6.

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1	Force constitutes a violation of section 141 of the Code and constitutes unprofessional conduct
2	and/or a basis for the imposition of discipline within the meaning of section 2305 of the Code.
3	PRAYER
4	WHEREFORE, the complainant requests that a hearing be held on the matters
5	herein alleged, and that following the hearing, the Division issue a decision:
6	1. Revoking or suspending Physician and Surgeon's Certificate Number
7	G 47830 heretofore issued to respondent David Clinton Blocker, M.D.;
8	2. Revoking, suspending or denying approval of the respondent's authority to
9	supervise physician assistants;
10	3. Ordering respondent to pay the Division the costs of probation monitoring
11	upon order of the Division; and,
12	4. Taking such other and further action as the Division deems necessary and
13	proper.
14	DATED: <u>January 26, 2007</u> .
15	
16	D. Hon
17	DAVID T. THORNTON Executive Director
18	Medical Board of California Department of Consumer Affairs
19	State of California
20	Complainant
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EXHIBIT A

28 USC SECTION 1746 UNSWORN AFFIDAVIT

UNDER PENALTY OF PERJURY

I am Cheryl W. Sbrockey, Risk Management Coordinator, Office of the Air Force Surgeon General, Bolling AFB, DC 20032-7050. I am the custodian of the Professional Staffing Record of Dr. David C. Blocker. *Copies* of the original documents are maintained at the Air Force Surgeon General's Office. I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 9, 2005.

Colonel RN Soral

Cheryl W. Sbrockey, MS, RN, CPUR

Risk Management Operations



DEPARTMENT OF THE AIR FORUG

88th MEDICAL GROUP WRIGHT-PATTERSON AIR FORCE BASE OHIO

23 December 2004

MEMORANDUM FOR DAVID C. BLOCKER, MD 9512 CENTERBROOK COURT CENTERVILLE OH 45458

FROM: 88th Medical Group/CC

Building 830

4881 Sugar Maple Drive

Wright-Patterson AFB OH 45433-5529

SUBJECT: Final Decision in Adverse Action Proceeding Re: David C. Blocker, MD

- 1. I have not received a request for a hearing from you within 30 calendar days of receipt of my proposed action against your privileges/practice. Since you have elected not to proceed with a hearing on this matter, this notice is to communicate my final action of your clinical privileges/practice. I hereby restrict your clinical privileges/practice as follows: all clinical privileges for interpretation of diagnostic ultrasounds and computed tomograms.
- 2. You are advised of your rights to appeal, according to AFI 44-119, Chapter 7. Your written appeal must be received by this office within 10 calendar days of the date of this letter. The time can be extended by myself or HQ MAJCOM/SG for good cause. Your appeal along with the adverse action case file will be mailed to AFMSA/SGOC, 110 Luke Avenue, Room 405, Bolling AFB, DC, 20332-7050. Depending on the outcome of any appeal proceedings, AFMSA/SGOC may report this action to regulatory agencies. My decision will remain in effect during appellate proceedings.

PENNY M. GIOVANETTI Colonel, USAF, MC, CFS Commander

1st Ind, David C. Blocker, MD

Date

MENORANDUM FOR CHAIRPERSON, CREDENTIALS FUNCTION

I acknowledge receipt of the Memorandum of Notification of Commander Decision, dated 23 Dec 04.

DAVID C. BLOCKER, MD

THIS IS A QUALITY ASSURANCE DOCUMENT PROTECTED FROM RELEASE PURSUANT TO 10 U.S.C. \$1102 DO NOT RELEASE WITHOUT PROPER AUTHORITY



LEPARTMENT OF THE AIR FORCE

88TH MEDICAL GROUP (AFMC)
WRIGHT-PATTERSON AIR FORCE BASE OHIO

2 December 2004

MEMORANDUM FOR 88 DTS/SGSX (DR. DAVID C. BLOCKER)

FROM: 88 MDG/CC

SUBJECT: Notice of Suspension of Clinical Privileges

- 1. You are hereby notified that your clinical privileges are suspended as follows due to your privileges not being reinstated prior to the end of your abeyance period: all clinical privileges for interpretation of Diagnostic Ultrasound and Computed Tomography. These problems have had, or could potentially have the following adverse effects on patient care: potentially compromise of the health and safety of your patients.
- 2. Suspension is an adverse action which temporarily removes all or a portion of your clinical privileges until final action is taken. Since you are a contractor, a copy of this memorandum will be forwarded to Spectrum Healthcare Resources. It is your responsibility to notify other medical facilities where you hold clinical privileges that privileges at this facility were suspended.
- 3. The basis for this action has been investigated. The credentials function made a recommendation to restrict your clinical privileges to perform Diagnostic Ultrasound and Computed Tomography under supervision. The MDG/CC reviewed their recommendation and agreed. You acknowledged on 22 Nov 04 the notice of proposed restriction of clinical privileges/practice from the MDG/CC. If you are not satisfied with the outcome, you have the right to request a hearing. If your privileges are not reinstated at this point, you will be afforded due process for a hearing and appeals as outlined in AFI 44-119, Chapter 7.
- 4. Depending on the outcome of this action, AFMSA/SGOC may report the matter to appropriate professional regulatory agencies. I refer you to AFI 44-119, Chapter 7, for information on the specific procedures involved with this action and your rights.
- 5. Providers who separate, retire, are discharged, end employment with the Air Force, or permanently change station within the Air Force while an adverse action review is taking place may be reported to the National Practitioner Data Bank and/or state licensing agencies. You may request that the review of your privileges/practice continue following your termination of employment. If you request continuation, a report will not be made until final resolution of your case. If you desire a continuation, you must request it in writing prior to your termination of employment. Address your request to me.

GARY M. WALKER

Colonel, USAF, MC

Chairperson, Credentials Function

THIS IS A QUALITY ASSURANCE DOCUMENT PROTECTED FROM RELEASE
PURSUANT 1000 81100

1st Ind, 88 DTS/SGSX (Dr. David C. Blocker)

12/2/04 Date

MEMORANDUM FOR CHAIRPERSON, CREDENTIALS FUNCTION

I acknowledge receipt of the Notice of Suspension of Clinical Privileges.

DAVID C. BLOCKER, MD

LEPARTMENT OF THE AIR FORCE



88TH MEDICAL GROUP (AFMC)
WRIGHT-PATTERSON AIR FORCE BASE OHIO

NOV 1 8 2004

MEMORANDUM FOR 88TH DTS/SGSX (DR. DAVID C. BLOCKER)

FROM: 88th MDG/CC

SUBJECT: Notice of Proposed Restriction of Clinical Privileges/Practice

- 1. You are hereby notified that I propose to restrict your clinical privileges/practice as follows: supervision will be required (Code 2) for interpretation of Diagnostic Ultrasound and Computed Tomography at the 88th Medical Group. Previously requested procedures in these categories with a Code 4 will remain unchanged. This action is being taken in response to alleged diagnostic discrepancies identified by numerous consulting physicians. These allegations have been investigated and it has been determined the number of cases for which you either made an incorrect diagnosis and/or made correct findings, but with inappropriate recommendations causing further unnecessary medical evaluations, are significantly above that which is considered normal or safe. These problems have had (or could potentially have) the following adverse effects on patient care: compromise the health and safety of your patients.
- 2. You are advised that you have the right, upon request, to have a hearing committee review this action. To have this hearing, you must make a written request to me within 30 calendar days from the date you receive this notification. If you fail to ask within that time, or if you fail to appear at a hearing so requested, you waive your rights to the hearing. If you waive your rights to a hearing, you may still exercise your right to appeal this decision to AFMSA/CC through AFMSA/SGOC.
- 3. Depending on the outcome of this action, AFMSA/SGOC may report the matter to appropriate professional regulatory agencies. I refer you to AFI 44-119, Chapter 7, for information on the specific procedures involved with this action and your rights. In addition, I refer you specifically to Chapter 7, paragraph 7.10, regarding Use of Timelines.
- 4. According to AFI 44-119, paragraph 7.39, individuals who separate, retire, are discharged, end employment with the Air Force, or permanently change station within the Air Force while an adverse action review is taking place may be reported to professional regulatory agencies. You may request that the review of your adverse action continue following your (separation, retirement, discharge, termination of employment, PCS). If

you request continuation, a report will not be made (if indicated) until final resolution of your case. If you desire a continuation, you must request it in writing prior to your (separation, retirement, discharge, termination of employment, PCS). Address your request to me (or to AFMSA/SGOC as appropriate).

PENNY M. GIOVANETTI Colonel, USAF, MC, CFS

Commander

1st Ind, DTS/SGSX (Dr. David C. Blocker)

(Date)

MEMORANDUM FOR CHAIRPERSON, CREDENTIALS FUNCTION

I acknowledge receipt of proposed restriction of clinical privileges/practice.

DAVID C. BLOCKER, MIL



DEPARTMENT OF THE AIR FORCE

74TH MEDICAL GROUP
WRIGHT-PATTERSON AIR FORCE BASE OHIO

30 September 2004

MEMORANDUM FOR 74 DTS/SGSX (DR. DAVID C. BLOCKER)

FROM: 74 MDG/SGH

SUBJECT: Notice of Abeyance of Clinical Privileges

- 1. You are hereby notified that your clinical privileges are held in abeyance as follows: all clinical privileges for interpretation of sonograms and computed tomograms at 74 MDG are held in abeyance effective immediately. This abeyance will remain in effect until a review of your clinical performance is completed. This action is being taken in response to alleged numerous diagnostic discrepancies identified by the consulting physicians. These problems have compromised, or could potentially compromise the health and safety of your patients.
- 2. Abeyance is a temporary removal of clinical privileges for 30 calendar days. At the end of this time period, an extension of an additional 30 calendar days may be granted. The action automatically becomes a suspension of privileges after the temporary or extended abeyance period. An abeyance is not an adverse clinical privilege action and need not be disclosed as such on applications for clinical privileges. If your privileges have not been reinstated at this point, they will be automatically suspended.
- 3. The basis for this action is currently under investigation. Upon review of the findings, the credentials function will make a recommendation with respect to reinstatement, restriction, reduction in privileges, denial or revoking your clinical privileges. The 74 MDG/CC will review these recommendations and notify you of her proposed action. At that time, if you are not satisfied with the outcome, you will have the right to request a hearing. If your privileges are not reinstated at this point, you will be afforded due process for a hearing and appeals as outlined in AFI 44-119, Chapter
- 4. Providers who separate, retire, are discharged, end employment with the Air Force, or permanently change station (PCS) within the Air Force while actively involved in an adverse action review, may be reported to the National Practitioner Data Bank and/or state licensing agencies. You may request review of your privileges/practice continue following your separation, retirement, discharge, termination of employment, or PCS. If you request continuation, a report will not be made (if indicated) until final resolution of your case. If you desire a continuation, you must request continuation in writing prior to your separation, retirement, discharge, termination of employment, or PCS. Request for continuation should be addressed directly to Credentials Function Chair (74 MDG/SGH).

DAVID F. VANDERBURGI

Colonel, USAF, MC

Acting Chief, Medical Staff

9/30/6/ (Date)

1st Ind., 74 DTS/SGSX (Dr David C. Blocker)

MEMORANDUM FOR CHAIRPERSON, CREDENTIALS FUNCTION

I acknowledge receipt of the Notice of Abeyance of Clinical Privileges, and implications of changing duty status while a review is taking place.

DAVID C. BLOCKER, MD